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GROUP PATENT COUNSEL
BLACK & DECKER CORPORATION
MAIL STOP TW199
701 E. JOPPA ROAD
TOWNSON, MD 21286

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OFFICE OF PETITIONS

In re Application of	:	
Norbert HAHN	:	
Application No. 10/688,261	:	DECISION ON PETITION
Filed: October 17, 2003	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. P-US-PR-1088	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 16, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed June 12, 2008, which set a shortened statutory period for reply of three (3) months. An advisory action was mailed December 16, 2008, giving an additional two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 13, 2008.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810,

and the submission required by 37 CFR 1.114; (2) the petition fee of \$1620; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 3721 for appropriate action by the Examiner in the normal course of business on the reply received January 16, 2009.

A handwritten signature in black ink, appearing to read 'BW Brown', with a long horizontal flourish extending to the right.

Brian W. Brown
Petitions Examiner
Office of Petitions